

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket: LP-2016

Applicants : METTLER, Hanspeter, et al.  
Serial No. : Unknown (371 of PCT/EP2004/011971)  
Filed : April 26, 2006  
Title : PROCESS FOR THE PREPARATION OF (S)- OR  
(R)-4-HALO-3-HYDROXYBUTYRATES

**ART STATEMENT**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed is a copy of WO 02/40492 A (WO '492), that is discussed on page 2 of the application.

Enclosed is a copy of European Published Patent Application 0850945 A (EP '945), that is discussed on pages 2 and 4 of the application.

Enclosed is a copy of European Published Patent Application 0955303 A (EP '303), that is discussed on page 2 of the application.

Enclosed is a copy of WO 00/29370 (WO '370), that is discussed on page 5 of the application.

Enclosed is a copy of Ashworth, T.V., et al., S. Afr. J. Chem. 1987, 40, 183-188, that is discussed on pages 5 and 7 of the application.

Enclosed is a copy of Mashima, K.J., Org. Chem. 1994, 59, 3064-3076, that is discussed on pages 5 and 8 of the application.

A copy of the International Search Report for applicants' corresponding International patent application is enclosed.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /S.P./

Enclosed is a copy of European Published Patent Application 1176135 A (European '135). The International Search Report cited European '135 as being particularly relevant when combined with another reference in the same category (Category Y), cited Example 6 of European '153 as being relevant, and cited European '153 as being relevant to Claims 1 to 7 of applicant's corresponding International patent application.

Enclosed is a copy of U.S. Published Patent Application No. 2002035283, that the International Search Report stated corresponds to European '153.

Enclosed is a copy of WO 03/029259 A (WO '259). The International Search Report cited WO '259 as being particularly relevant when combined with another reference in the same category (Category Y), cited page 27, Table 1, entry 3, and page 28, Table 1, entry 4, of WO '259 as being relevant, and cited WO '259 as being relevant to Claims 1 to 7 of applicants' corresponding International patent application. WO '259 is discussed on pages 3 and 4 of the application.

Enclosed is a copy of U.S. Published Patent Application No. 2004260101 A, that the International Search Report corresponds to WO '259.

Enclosed is a copy of Pai, C.-C., et al., Tetrahedron Lett. 2002, 43, 2789-2792 (Pai et al.). The International Search Report cited Pai et al. as being background art (Category A), cited page 2791, Table 1, entry 4, of Pai et al. as being relevant, and cited Pai et al. as being relevant to Claim 1 of applicants' corresponding International patent application. Pai et al. is discussed on page 2 of the application.

Enclosed is a copy of European Published Patent Application 0339764 A (European '764). The International Search Report cited European '764 as being background art (Category A), cited all of European '764 as being relevant, and cited

10/577385

1AP20 Rec'd PCT/PTO 26 APR 2006

European '764 as being relevant to Claim 1 of applicants' corresponding

International patent application.

Enclosed is a copy of U.S. Patent No. 4,895,979, that the International Search Report stated corresponds to European '764.

Enclosed is a copy of European Published Patent Application 0295109 A (European '109). The International Search Report cited European '109 as being background art (Category A), cited page 9, Example 9, Table 2, and page 10, Example 16, Table 2, of European '109 as being relevant, and cited European '109 as being relevant to Claim 1 of applicants' corresponding International patent application.

Enclosed is a copy of U.S. Patent No. 4,933,482, that the International Search Report stated corresponds to European '109.

The list of the above-mentioned references is enclosed.

Respectfully submitted,

April 26, 2006  
Date

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<b>FORM PTO-1449</b>  <b>INFORMATION DISCLOSURE</b> <b>CITATION</b> (modified)		Atty Docket: <b>LP-2016</b>		Serial No.: <b>Unknown (371 of PCT/EP2004/011971)</b>  <div style="font-size: 1.5em; font-weight: bold;">10/577385</div>	
		Applicant: <b>METTLER, Hanspeter, et al.</b>			
		Filing Date: <b>April 27, 2006</b>		Group:	

  

U.S. PATENT DOCUMENTS							
Examiner Initial		Document Number	Date	Name	Class	Sub-Class	Filing Date
<div style="text-align: left; padding-left: 10px;">             /S.P./  </div>		2002035283					
		2004260101					
		4,895,979					
		4,933,482					

  

FOREIGN PATENT DOCUMENTS							
Examiner Initial		Document Number	Date	Country	Class	Sub-Class	Translation Yes * No
<div style="text-align: left; padding-left: 10px;">             /S.P./  </div>		02/40492		WO			
		0850945		EP			
		09553030		EP			
		00/29370		WO			
		1176135 A		EP			
		03/029259		WO			
		0339764 A		EP			
		0295109 A		EP			

  

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)		
<div style="text-align: left; padding-left: 10px;">             /S.P./  </div>		Ashworth, T.V., et al., S. Afr. J. Chem. 1987, 40, 183-188
		Mashima, K.J., Org. Chem. 1994, 59 3064-3076
		Pai, C.-C., et al., Tetrahedron Lett. 2002, 43, 2789-2792

Examiner: <b>/Sarah Pihonak/</b>	Date Considered: <b>12/29/2008</b>
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

~~ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH: /S.P./~~